

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
MONDAY, JANUARY 3, 2011**

ATTENDANCE: 1st Selectman David Campbell; David Bayne; Jayme Stevenson;
Gerald Nielsen, Jr.; Callie Sullivan

STAFF: Karl Kilduff, Administrative Officer

OTHERS: Walter Casey

CALL TO ORDER

1st Selectman Campbell called the meeting to order at 7:45 p.m.

FIRST SELECTMAN'S REPORT

1st Selectman Campbell complimented the Public Works Department and the Parks & Recreation Department for the work they did during the recent snowstorm. He said they did a good job. He mentioned that back in December, the Selectmen had approved water pumps for 35 Leroy Avenue to prevent flooding that was happening at Old Stone Road. He reported that the pumps are installed and are working.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff said they are in the midst of budget preparations. He said budget reviews will be done internally this week and the following week, making revisions as appropriate. He said the special elections will be upcoming, with Sen. McDonald taking a position in Governor Malloy's administration. He said there will be a transfer in the near term to conduct the election. Mr. Kilduff said the Registrar of Voters calculated the cost of the Special Election to be \$12,000. He said the budget books will be available on January 24th for the Selectmen to review prior to the first budget review meeting on January 26th.

PUBLIC COMMENT

Mr. Walter Casey read two letters into the record. The first letter has a cover note from Mr. Casey to the Board of Selectmen. Both pieces of correspondence are verbatim as follows:

"Board of Selectmen, 1.3.11. I am going to read a letter which I received last week. The return address on the envelope was "FYI Board of Finance debits and credits?" I have no idea what this return address means. I also do not know if this letter is authentic. I am presenting the letter this evening because I feel that I have no choice but to do so. I also

may make a copy of the letter available to others, including the press. I wish to emphasize again that I do not know if this letter is authentic. It is written on the stationery of Garden Homes Management Corporation addressed to an official in the Darien Department of Public Works. It is signed by a Mr. Freedman, President of Garden Homes and a copy was apparently sent to Mr. Campbell.

Signed, Walter Casey”

From Richard K. Freedman, President of Garden Homes Management Corporation, to Mr. Darren Oustafine, PE, Assistant Director of Public Works, re: 397 Post Road:

“As you know, by letter dated January 21, the professional opinion of our engineer Steve Trinkaus is that a capacity analysis of the sewer system in our area is unnecessary given the negligible increase in sewage flows of 397 Post Road from pre-to post-development. By your letter January 27, I understand your position that an analysis is a reasonable request, although I note that it is not required by our zoning approval, as stated in your letter.

We are still of the opinion that a capacity analysis is of not utility, particularly in light of a quote for \$11,125 from GHD (formerly Stearns and Wheeler) for such an analysis. Mr. Trinkaus was to make our case at the Sewer Commission’s May 4 meeting, although heavy upstate rains prevented him from attending. In his absence, I understand that you presented both sides of the case - thank you – and while the commission discussed several options, it deferred action until June’s meeting.

In the interest of reaching a practical and speedy resolution, I would be pleased to offer a 425,000 contribution to the Town to help fund a study of the actual problem, stormwater infiltration. The Town could use the money for any other municipal purpose should it choose to do so. In turn, our contribution would be conditioned on receiving a sewer permit by June 5. Our project is progressing rapidly and our schedule will be at risk if we do not receive a permit to connect to the sanitary sewer very shortly.

If you have any question, I can be reached at 203-653-2475. Thank you.

Sincerely, Richard K. Freedman, President

cc: David Campbell, First Selectman”

1st Selectman Campbell said that Mr. Robert Steeger has spoken with the Town’s attorney. He said there was no pro quo for the sewer permit.

The second letter was written to 1st Selectman Campbell from Mr. Casey on December 28, 2010. It concerns the EMS Review Committee, and it is verbatim as follows:

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“I congratulate you and the Board of Selectmen for continuing the work of the EMS Review Committee (EMSRC). It shows the Board’s commitment to the health and safety of your constituents. I have some suggestions as to how the EMSRC should continue.

I believe the EMSRC should properly warn its meetings, publish its minutes on a timely basis, allow the public to ask questions, explain the reason for its going into executive session and have its meetings broadcast and recorded by Channel 79. These suggestions come from my own personal experience with the EMSRC to date. I was especially frustrated by not being allowed to ask questions. Channel 79’s involvement is crucial if the public is to learn about paramedic response in Darien.

I would also suggest that Dr. Dorothy Turnbull be removed from the EMSRC. Dr. Turnbull is affiliated with Post 53, the organization which is the subject of the EMSRC’s review. Essentially Post 53 is reviewing Post 53. Dr. Turnbull is also affiliated with Stamford Hospital where many but not all Darien patients are taken.

At the very least, Dr. Turnbull’s membership on the EMSRC gives the appearance of a conflict of interest. Dr. Turnbull should be just answering questions not asking them, answering them and writing up the reports resulting from the question and answer process. Dr. Turnbull’s leadership role with Post 53 makes the EMSRC’s objectivity an “Inconvenient Falsehood.”

By copy of this letter, I am making my concerns about the appearance of a conflict of interest known to Mr. Brian Grissler, the Present and CEO of the Stamford Hospital.

I hope you will take my constructive suggestions seriously.

Sincerely yours, Walter Casey

cc: Mr. Josh Fisher, Editor, the Darien Times;
Mr. Brian Grissler, President & CEO, the Stamford Hospital;
Mr. David McCumber, Editor, the Stamford Advocate”

NEW BUSINESS

- a) Discuss and Take Action on a Resolution Authorizing and Directing the First Selectman to Execute the First Supplemental Agreement to the Original Agreement for the Noroton Heights Railroad Station Stair Replacement

1st Selectman Campbell said this relates to the stairs that were just done, and it involves cleanup.

**** MS. SULLIVAN MOVED TO APPROVE THE RESOLUTION
AUTHORIZING AND DIRECTING THE FIRST SELECTMAN TO**

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EXECUTE THE FIRST SUPPLEMENTAL AGREEMENT TO THE ORIGINAL AGREEMENT FOR THE NOROTON HEIGHTS RAILROAD STATION STAIR REPLACEMENT.

WHEREAS, THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 APPROPRIATED \$302,000 TO THE STATE OF CONNECTICUT TO PROVIDE FUNDING FOR HIGHWAYS, BRIDGES AND OTHERS PUBLIC SAFETY PROJECTS; AND

WHEREAS, THE REPLACEMENT OF STAIRS AT THE NOROTON HEIGHTS RAILROAD STATION WAS IDENTIFIED AS A PROJECT WHICH WOULD RECEIVE A PORTION OF THE ABOVE DESCRIBED FUNDING; AND

WHEREAS, THE ORIGINAL AGREEMENT FOR THIS PROJECT BETWEEN THE STATE AND THE TOWN WAS DATED SEPTEMBER 16, 2009; AND

WHEREAS, THE ORIGINAL CONSTRUCTION AMOUNT OF \$400,000 HAS BEEN FOUND TO BE INSUFFICIENT WHICH REQUIRES MORE FUNDING FOR THE LOW BIDDGER AS WELL AS A DECREASE IN THE STATE'S ALLOCATION FOR INCIDENTAL COSTS; AND

WHEREAS, THE TOWN OF DARIEN HAS RECEIVED ADDITIONAL FUNDING TO COMPLETE THE PROJECT; AND

WHEREAS, THE ORIGINAL AGREEMENT NEEDS TO BE AMENDED TO REFLECT THE CHANGES DESCRIBED ABOVE TO THE PROJECT BUDGET; AND

WHEREAS, THE BOARD OF SELECTMEN WISHES TO AMEND THE AGREEMENT.

NOW, THEREFORE, BE IT RESOLVED THAT DAVID M. CAMPBELL, AS FIRST SELECTMAN OF THE TOWN OF DARIEN, IS AUTHORIZED AND DIRECTED TO EXECUTE THE AGREEMENT ENTITLED: "FIRST SUPPLEMENTAL AGREEMENT OT THE ORIGINAL AGREEMENT DATED SEPTEMBER 16, 2009 BETWEEN THE STATE OF CONNECTICUT AND THE TOWN OF DARIEN FOR THE CONSTRUCTION, INSPECTION AND MAINTENANCE OF NOROTON HEIGHTS RAILROAD STATION STAIR REPLACEMENT UTILIZING FEDERAL FUNDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 PUBLIC LAW 111-5 (HEREAFTER "ACT"), AND THE URBAN COMPONENT OF THE SURFACE TRANSPORTATION PROGRAM.

**** MS. STEVENSON SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- b) Discuss and Take Action on Resolution Authorizing and Directing the First Selectman to Execute an Emergency Management Planning Grant Agreement with the Connecticut Department of Public Health

1st Selectman Campbell said the grant was in the amount of \$36,478. Mr. Kilduff explained it was to hire consultants in case of the need for mass inoculations related to a potential bio problem.

**** MR. BAYNE MOVED TO APPROVE THE RESOLUTION AUTHORIZING AND DIRECTING THE FIRST SELECTMAN TO EXECUTE AN EMERGENCY MANAGEMENT PLANNING GRANT AGREEMENT WITH THE CONNECTICUT DEPARTMENT OF PUBLIC HEALTH**

WHEREAS, THE STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH PROVIDES GRANT FUNDING TO SUPPORT PUBLIC HEALTH PREPAREDNESS IN THE EVENT OF AN EMERGENCY; AND

WHEREAS, THE TOWN OF DARIEN HAS APPLIED FOR AND BEEN AWARDED A GRANT OF \$36,478 FOR THIS PURPOSE; AND

WHEREAS, THE BOARD OF SELECTMEN WISHES TO SECURE SUCH GRANT FUNDING.

NOW, THEREFORE BE IT RESOLVED THAT THE DARIEN BOARD OF SELECTMEN HEREBY AUTHORIZES AND DIRECTS DAVID M. CAMPBELL, FIRST SELECTMAN, TO EXECUTE A GRANT AGREEMENT WITH THE STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH;

BE IT FURTHER RESOLVED THAT DAVID M. CAMPBELL, FIRST SELECTMAN, IS AUTHORIZED TO MAKE, EXECUTE AND APPROVE ON BEHALF OF THE TOWN OF DARIEN, ANY AND ALL CONTRACTS OR AMENDMENTS THEREOF WITH THE STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH RELATED TO THE PUBLIC HEALTH PREPAREDNESS GRANT (CONTRACT LOG #2011-1014).

**** MR. NIELSEN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- c) Discuss and Take Action on Charge for Advisory Emergency Medical Services Review Committee

It was suggested that point #4 be revised as follows: "Provide written reports to the Board of Selectmen as necessary when adequate data is available, no less than once a year."

**** MR. BAYNE MOVED TO APPROVE THE CHARGE FOR ADVISORY EMERGENCY MEDICAL SERVICES REVIEW COMMITTEE, AS AMENDED.**

**** MR. NIELSEN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- d) Discuss and Take Action on Change in Minute Format

1st Selectman Campbell said a sample of the new minute format is attached. The Selectmen discussed the new format, saying that it could save between \$1,500 and \$2,000 to have the minutes in the "action minute" format. The current format provides a lengthier form of information, and can provide historical information, as well as capture the flavor of the conversation. With the new format suggested, there was concern raised that not enough information would be provided, and that would create the need for a review of the dvd if they needed more detailed information. 1st Selectman Campbell said that the minutes are on-line and that anyone can look at them anytime. It was agreed that if a Selectmen has a particular point that he/she wishes to have included in the minutes, they should state that during the meeting. It was mentioned that while this new format could save money, it could potentially result in the loss of something else in the end. It was mentioned that Darien might be the only board that does not use action minutes. It was also mentioned that Darien is a policy- making board and therefore, the discussion points are important. It was agreed that the new format would be put into place immediately, for a 3-month period ending March 31, 2011. At that time, and including anytime prior to that date, the Selectmen will review the format and agree to keep it or change back to the current format.

**** MR. NIELSEN MOVED TO APPROVE THAT THE DARIEN BOARD OF SELECTMEN HEREBY ADOPTS THE USE OF "ACTION MINUTES" WHICH COMPLY WITH THE REQUIREMENTS OF ROBERTS RULES OF ORDER TO DOCUMENT IN SUMMARY FASHION THE BOARD'S MEETINGS OVER THE CURRENT FORMAT PROVIDED THAT SUCH MINUTES MEET THE REQUIREMENTS OF STATE STATUTE, TO BE**

REVIEWED AFTER THREE MONTHS. THIS MOTION WILL EXPIRE ON MARCH 31, 2011.

**** MS. STEVENSON SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

e) Transfers

LEGAL COUNSEL

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10105091-82124	Reg. Counsel-Other	\$ 7,200
10201011-81001	Salaries – FT	\$ 23,800
10704000-86600	Contingency	\$ 86,000
	TOTAL	\$117,000

To:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10105091-82105	Reg. Counsel – P&Z	\$ 85,000
10105091-82120	Reg. Counsel – EPC	\$ 29,000
10105081-82122	Reg. Counsel – ZBA	\$ 3,000
	TOTAL	\$117,000

1st Selectman Campbell said these transfers were a result of lawsuits that are going on.

**** MS. SULLIVAN MOVED TO APPROVE THE TRANSFER OF \$7,200 FROM THE REG. COUNSEL-OTHER ACCT (10105081-82124); \$23,800 FROM THE SALARIES FT ACCT (10201011-81001); AND \$86,000 FROM THE CONTINGENCY ACCOUNT (10704000-86600) FOR A TOTAL OF \$117,000 TO THE REG. COUNSEL-P&Z ACCT (10105091-82105); REG. COUNSEL–**

EPC ACCT (10105091-82120); AND THE REG. COUNSEL-ZBA ACCT (10105081-82122).

**** MR. BAYNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

AGENDA REVIEW

Mr. Bayne asked if there would be a review of the Board of Selectmen priorities prior to the next meeting. 1st Selectman Campbell said there would be.

APPOINTMENTS/REAPPOINTMENTS

Consider and Take Action on the following **appointment**:

- a) Heather Pommernelle to the Beautification Commission for a 3-year term beginning on December 1, 2010 and expiring on November 30, 2013.

**** MR. NIELSEN MOVED TO APPROVE THE APPOINTMENT OF HEATHER POMMERELLE TO THE BEAUTIFICATION COMMISSION FOR A 3-YEAR TERM BEGINNIGN ON DECEMBER 1, 2010 AND EXPIRING ON NOVEMBER 30, 2013.**

**** MS. STEVENSON SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Regular Meeting of December 13, 2010

The changes to the regular meeting of December 13, 2010 are as follows:

On page 1, under 1st Selectman's Report, 3rd paragraph, change "EPC" to "DECD".

On page 2, 2nd paragraph, last sentence, change "Saturday, January 12" to "Saturday, January 22".

On page 2, 3rd paragraph, 4th sentence, change "RFP" to "RFQ".

On page 5, 11th paragraph, the 2nd, 3rd, and 4th sentences should read: "Ms. Jenny Schwartz, Chairman of the Darien Housing Authority, said the estimate they received from the Town Assessor was roughly \$1,000/unit."

On page 11, 1st paragraph, 12th sentence, change “dependent” to “less affected by”.

**** MR. BAYNE MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF DECEMBER 13, 2010 AS AMENDED.**

**** MS. SULLIVAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Regular Meeting of December 20, 2010

The changes to the regular meeting of December 20, 2010 are as follows:

On page 1, under 1st Selectman’s Report, 2nd paragraph, change “DCD” to “DECD”.

On page 1, under Administrative Officers’ Report, 1st paragraph, 1st sentence, change “is being received” to “has been received”.

**** MR. NIELSEN MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF DECEMBER 20, 2010 AS AMENDED.**

**** MS. STEVENSON SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Ms. Sullivan asked if it would be possible to have the commissions make a presentation to the Board of Selectmen. It was agreed to have a list of the top 10 commissions prepared for the next meeting.

FORTHCOMING MEETINGS

January 4, 2011	Planning & Zoning Commission Public Hearing at 8:00 p.m.
January 11, 2011	Planning & Zoning Commission Public Hearing at 8:00 p.m.
January 11, 2011	Board of Education Regular Meeting at 7:45 p.m.
January 18, 2011	Board of Finance Regular Meeting at 6:30 p.m.
January 18, 2011	Board of Selectmen Regular Meeting at 7:45 p.m.
January 18, 2011	Planning & Zoning Commission Public Hearing at 8:00 p.m.

OTHER BUSINESS

(Any items added to the agenda require a two-thirds vote)

ADJOURNMENT

**** MR. BAYNE MOVED TO ADJOURN.**

**** MS. STEVENSON SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services